

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

DOCKET NO. 3:08-cv-00243-FDW

**INVESTORS TITLE
INSURANCE COMPANY,**

Plaintiff,

vs.

LAWRENCE U. DAVIDSON III,

Defendant,

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ORDER

THIS MATTER comes now before the Court sua sponte to address Appellant's failure to "serve and file a brief within 15 days after entry of the appeal on the docket" pursuant to Federal Rule of Bankruptcy Procedure 8009. Appellant's brief was due on August 8, 2008, and is now several weeks late. Appellant has not sought a continuance or otherwise explained his tardiness. Failure to comply with Rule 8009 is a nonjurisdictional procedural error, and the Court may take "such action as [it] deems appropriate, which may include dismissal of the appeal." Fed. R. Bankr. P. 8001. Although the Court is of the opinion that dismissal is not appropriate at this time, the Court has a duty to ensure that bankruptcy appeals proceed in a timely fashion.

Accordingly, IT IS HEREBY ORDERED that Appellant file his brief in support of this appeal within seven (7) calendar days, **on or before September 3, 2008.**

IT IS FURTHER ORDERED that Appellant demonstrate that his tardiness is the result of excusable neglect sufficient to satisfy Federal Rule of Civil Procedure 6(b)(1)(B).

IT IS SO ORDERED.

Signed: August 27, 2008



Frank D. Whitney
United States District Judge

